IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.3735 OF 2001

1) Mahadeo Bhau Khilare (Mane))
Age 46 years, Occupation : Nil)
residing at Bhose, Taluka Miraj)
District Sangli.)

2) Suresh Dnyaneshwar Sawant)
Age 45 years, Occupation : Nil)
residing at Malgaon, Taluka Miraj)
District Sangli.)

3) Shrikrishna Vasant Kulkarni)
Age 46 years, Occupation : Nil)
resident of Khanderajuri)
Taluka Miraj, District Sangli.).. PETITIONERS

VERSUS

1) State of Maharashtra)

2) The Secretary)
Revenue and Forest Department)
State of Maharashtra)
Mantralaya, Mumbai 400 032.)

3) The Collector)
District Sangli.).. RESPONDENTS

Mrs.Varsha Palav for the Petitioners.

Mr.S.R.Nargolkar, Assistant Government Pleader,
for the Respondents.

**CORAM: V.G. PALSHIKAR AND
SMT.NISHITA MHATRE, JJ.**

DATED: 16TH FEBRUARY 2005

ORAL JUDGMENT : (PER MHATRE, J.)

. By this Writ Petition, the Petitioners challenge the order dated 20th July 2001 passed by the Maharashtra Administrative Tribunal rejecting their Original

Applications. The Petitioners seek absorption of their service with the State Government in the post of Talathis, Class III in District Sangli in accordance with the Government Resolution dated 22nd October 1996.

2. The Petitioners contend that they have been working for years together as unpaid candidates as Assistant to the Talathi. Their appointment orders had been issued either by the Tahsildar or Talathi. According to the Petitioners, in view of the Government Resolution dated 22nd October 1996 whereunder a scheme has been framed for absorption of unpaid candidates, the Petitioners are also entitled to be absorbed in service of the State Government. The Petitioners, therefore, filed Original Application Nos.319 of 1997, 325 of 1997 and 329 of 1997 respectively before the Maharashtra Administrative Tribunal. The Tribunal had by an order dated 29th January 1999 allowed these Original Applications besides others by directing the Government to implement the scheme framed under the Government Resolution of 22nd October 1996 qua the Applicants in those Original Applications. Being aggrieved by this order, the State Government filed various Writ Petitions in this Court. This Court set aside the order passed in the Original Applications and remanded the Original Applications to the Maharashtra Administrative Tribunal for a fresh hearing. The Tribunal, after granting a

fresh hearing, has dismissed the Original Applications by concluding that the Applicants i.e. the Petitioners herein were appointed by the Tahsildars or Talathis, as the case may be, in their personal capacity and had not been appointed by the State Government as unpaid candidates. The Tribunal, therefore, was of the view that the Government Resolution of 22nd October 1996 was not applicable at all.

3. Having heard the submissions made on behalf of both the parties, we are of the opinion that the Tribunal has correctly appreciated the material before it and the law and has dismissed the Original Applications. A bare perusal of the Government Resolution of 22nd October 1996 indicates that it is applicable for recruitment to the post of Steno-typist and such recruitments were to be done from the waiting list of unpaid Copiers. The scheme, therefore, was applicable only to unpaid Copiers and not to any other unpaid candidates. Therefore, the Tribunal has not erred in dismissing the Original Applications. The Petitioners herein were appointed as Assistants to the Talathis and not unpaid Copiers. Therefore, the Government Resolution is not applicable to them. There is no material on record to establish the fact that they had been appointed by the Government as unpaid candidates. It appears from the record that their

appointments were made by the Talathi or Tahsildar without the authority of the State Government. Such appointments cannot be regularised.

4. We see no reason to interfere with the findings of the Maharashtra Administrative Tribunal and confirm the same. Writ Petition is dismissed. Rule discharged. No order as to costs.

(V.G.PALSHIKAR, J.)

(SMT.NISHITA MHATRE, J.)